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एकस्व/PATENTS|अभिकल्प/DESIGNS|
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भारत सरकार
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सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 202021023694

दिनांक/Date of Dispatch/Email: 06/08/2020

सेवा मे,/To

TARUN KHURANA,

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विषय: एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

Subject: Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट (अर्थात्, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का प्रथम कथन) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 10/06/2020 के उत्तर में जारी की गयी है। परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि (अर्थात्, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का प्रथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report (i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended)) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 10/06/2020. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।
The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).
3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।
Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.
4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।
You are advised to file the reply at the earliest for early disposal.

Vikas Gupta

नियंत्रक पेटेंट/ Controller of Patents

संलग्न/Enclosed: अपरोक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रॉनिक रूप से उत्पन्न रिपोर्ट है।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्त लिखित पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

परीक्षण रिपोर्ट /Examination Report

आवेदन संख्या /Application Number	202021023694
दाखिल करने की तिथि /Date of Filing	05/06/2020
पूर्विका दिनांक /Date of Priority	--
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	--
आवेदक /Applicant	ARCHANA GHOTKAR
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	E20202017190 10/06/2020
प्रकाशन की तिथि /Date of Publication	03/07/2020

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात रिपोर्ट का सारांश, विस्तृत तकनीकी रिपोर्ट, औपचारिक आवश्यकताएँ तथा रिकॉर्ड में दस्तावेज़ /

This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

भाग -1: रिपोर्ट का सारांश

PART-I: SUMMARY OF THE REPORT

क्र. सं. /Sl. No.	अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियाँ /Requirements under the Act	दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
1.	धारा 2(1)(ग) के तहत आविष्कार /Invention u/s 2(1)(j)	नवीनता /Novelty	दावे /Claims:
		दावे /Claims: 1-10	हाँ /Yes
		दावे /Claims: 1-10	नहीं /No
		आविष्कारी कदम / Inventive step	दावे /Claims:
		दावे /Claims: 1-10	हाँ /Yes
		दावे /Claims: 1-10	नहीं /No
2.	धारा 3 के अधीन पेटेंट-अयोग्यता (यदि हाँ, खंड 3(क-त) /Non-patentability u/s 3 (if yes, specify section3(a-p))	दावे /Claims: 1-10	हाँ /Yes k,m
		दावे /Claims:	नहीं /No
3.	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	स्पष्टता/ संक्षिप्तता /Clarity / Conciseness	दावे /Claims:
		दावे /Claims: 1-10	हाँ /Yes
		दावे /Claims: 1-10	नहीं /No
		परिभाषिकता /Definitive	दावे /Claims:
		दावे /Claims: 1-10	हाँ /Yes
		दावे /Claims: 1-10	नहीं /No
		क्षेत्र /Scope	दावे /Claims:
		दावे /Claims: 1-10	हाँ /Yes
		दावे /Claims: 1-10	नहीं /No

भाग -II विस्तृत तकनीकी रिपोर्ट

PART-II: DETAILED TECHNICAL REPORT

क. उद्धरित दस्तावेजों की सूची /A.List of documents cited:

(क) पेटेंट साहित्य / (a). Patent Literature :

क्र. सं. / Sl.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रसंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	उद्धरित दस्तावेज के प्रसंगिक दावे / Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
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1	US20120265779A1	18/10/2012	whole document		1-10
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(ख) गैर-पेटेंट साहित्य /(b).Non-patent literature

क्र. सं. / SI.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) /Publication date	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) /Relevant description (page and paragraph no.) of cited document	अभिकथित आविष्कार के दावे /Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
1	"Finding Similar Patents Through Semantic Query Expansion" By Pawan Sharma et. al.	21/08/2015	Pages 390-395		1-10

ख. अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियां /B. Detailed observations on the requirements under the Act:

(1).नवीनता / NOVELTY:

(I) ऊपर उद्धरित दस्तावेज के संदर्भ (1-10) में दिये गए प्रकटन के पूर्वानुमान को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-10) में नवीनता की कमी है /

Claim(s) (1-10) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference for the following reasons:

Subject matter of claims as claimed in instant application does not constitute an invention under section 2(1)(j) of the Patents Act, 1970 (as amended) because it does not involve Novelty in view of following documents:

D1: US20120265779A1 (18/10/2012)

D2: "Finding Similar Patents Through Semantic Query Expansion" By Pawan Sharma et. al. (21/08/2015)(Pages 390-395)

The subject matter of D1 discloses a computing device for recommending at least one relevant query at least partially based on an input query received from a user (see Abstract) , the computing device comprising: one or more processors coupled with a memory, the memory storing instructions which when executed by the one or more processors causes the computing device to: receive the input query on a display of the computing device (see paragraphs [0012]-[0017] fig 1); compute, in response to the input query, an output recommending at least one relevant query selected from one or more queries in a dataset, wherein the output is computed based on a similarity between the input query and each of the one or more queries at an evaluated optimum value of a weight factor (L) to recommend the at least one relevant query to the user in response to the input query; and display, for selection by the user, the output on the at least one relevant query on the display of the computing device (see Abstract, paragraphs [0012]-[0020], [0026]-[0033],[0040]-[0062],[0071], fig. 1,2).

The subject matter of cited document D1 discloses all the features of claim 1 , therefore claim 1 is not novel in view of D1.

Independent claims 9 and 10 contain the same subject matter as claim 1. Therefore, the objection with respect to novelty also applies mutatis mutandis to these claims also.

Dependent claims 2-8 define implementation details of the features claimed in independent claims and do not contain any features which, in combination with the features of any claim to which they refer, involve novelty because they are either disclosed or implied by D1.

The subject matter of D2 discloses about finding similar patents by expanding the user query semantically. It investigates how the patent retrieval system can be improved by using words which have the same expression i.e. semantically similar. Semantic expansion of a query can provide high quality results and reduce the complex search process. Expansion technique semantically increases the number of words in a query which gives a better quality of retrieval result. The longer the query abstract, the higher the result accuracy rate. Semantic – based similarity measures is using knowledge sources to measure similarity based on the content of the words rather than frequency of occurrence. (see whole document)

The subject matter of D2 also discloses same subject matter as of claimed invention. Therefore claimed invention is not novel in view of D2 also.

(2). आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ में स्पष्ट अध्यापन(जों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-10) में आविष्कारी कदम की कमी है

Claim(s) (1-10) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference for the following reasons:

It should furthermore be noted that even if the applicant intended to argue novelty of claimed invention based on minor differences between the features of said claim and those disclosed in prior- art documents, the subject-matter of said claim would not involve an inventive step, having regard to the disclosure of cited documents D1- D2 and the general knowledge of a person skilled in the art.

(3).पेटेंट अयोग्यता /NON PATENTABILITY:

(I) निम्नलिखित कारणों से धारा 3 के खंड (k,m) के प्रावधान के तहत दावा(वों) (1-10) सांविधिक रूप से पेटेंट योग्य नहीं हैं /

Claim(s) (1-10) are statutorily non-patentable under the provision of clause (k,m) of Section 3 for the following reasons:

1. Without prejudice to objection U/S 2(1) (j), the apparatus and system mentioned in claims 1-9 have no inventive constructional feature. It is comprised of conventional systems. The different conventional systems are processors, storage devices, servers, computer networks. These systems as such do not fall into the definition of a system. It is not evinced if said claims define any technical features or technical advance thereof, and apparently attract provisions U/S 3 (k) of the Act. Hence, said claims are not allowed.
2. Claim 10 recite various method steps without disclosing what apparatus/structural component carried out said steps. In absence any structural limitations, the subject matter of these claims is mere scheme or mental act and hence falls within scope of clause (m) of section (3) of the Patents Act, 1970 (as amended). Therefore invention claimed in said claim is not patentable.
3. As worded the method claimed in claim 10 appears to be a mere algorithm implemented through software. In other words the claimed method is a mere software application/product and hence not patentable u/s 3(K) of

(4).पूकटन की दक्षता /SUFFICIENCY OF DISCLOSURE:

(5).क्षेत्र /SCOPE:

(I) दावा(वे) 1-10 आविष्कार के उस क्षेत्र जिस के लिए संरक्षण का दावा किया गया है उसे निम्नलिखित कारणों से परिभाषित नहीं करता(ते) है।
Claim(s) 1-10 does/do not define the scope of invention for which the protection is claimed for the following reasons:

1. In view of the plurality of the independent set of claims, the nature and scope of the alleged invention are not clearly understood. The subject matter for which protection is sought may be different to that defined by the claims, thereby resulting in a lack of clarity of the claims when the description is used to interpret the claims. The claims should be re-drafted to make them sufficiently definitive and Inventive features should be brought out clearly and clearly define the scope of the invention, in accordance with section 10 (4) (c) of The Patents Act 1970 as amended by the Patents (Amendment) Act 2005. During revision and re-drafting, care should be taken not to add any subject matter, which extends beyond the scope of the application as originally filed here your attention is also drawn towards section 59 of the patent act.
2. Although claims 1(device claim) and 9 (system claim) have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. Hence, they do not provide alternative solutions to a common particular problem which could not appropriately have been covered by a single claim. Consequently, claims 1 and 9 are not allowable.

(6).स्पष्टता एवं संक्षिप्तता /CLARITY AND CONCISENESS:

(I) दावा(वे) 1-10 के संबंध में स्पष्ट रूप से परिभाषित नहीं हैं।
Claim(s) 1-10 are not clearly worded in respect of:

1. The vague and imprecise term 'spirit' in the description in the paragraphs [0023] and [0027] implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in a lack of clarity of the claims when the description is used to interpret the claims. Such statement should therefore be amended to remove this inconsistency.
2. Principal claim should sufficiently define, characterize and clearly bring out the inventive step.
3. The "at least one" terms used in various claims have no well-recognized meaning and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear.

(7).परिभाषिकता /DEFINITIVENESS:

(I) दावा(वे) 1-10 निम्नलिखित कारणों से आविष्कार को पर्याप्त रूप से परिभाषित नहीं करता(ते) है।
Claim(s) 1-10 do not sufficiently define the invention for the reasons as follows:

1. The complete specification shall fully and particularly describe the invention and its operation or use and the method by which it is to be performed and disclose the best method of performing the invention wrt the illustrations provided. A detailed description of all illustrations shall be provided which in turn provide a clear support for the claims.

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- Claims do not sufficiently define the invention. The inventive features should be incorporated in the principal claim and the corresponding subsidiary claims shall be made dependent upon the principal claim so as to make the invention sufficiently definitive.

भाग – III: औपचारिक आवश्यकताएँ /PART-III: FORMAL REQUIREMENTS

आपत्तियाँ /Objections	टिप्पणी /Remarks
Statement & Under Taking (Form 3 Details)	Updated annexure to form 3 should be filed.
Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.)	A fresh power of authority or an attested copy of the GPA (clearly indicating the present patent application number) should be submitted.
Other Deficiencies	<p>1.If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.</p> <p>2. Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rules in respect of same or substantially the same invention filed in all countries outside India, along with appropriate translation where applicable, should be submitted within a period of Six months from the date of receipt of this communication as provided under section 8(2) of the Indian Patents Act.</p> <p>3. Details regarding application for Patents which may be filed outside India from time to time for the same or substantially the same invention should be furnished within Six months from the date of filing of the said application under clause(b) of subsection (1) of section 8 and rule 12(1) of Indian Patent Act.</p> <p>4. In case the applicant decides to amend the claims subsequent to this report, the same shall be drafted afresh to include the technical advancement over the prior art as required u/s 2(1)j of the Patent's Act. Please indicate in the response communication the support for the claims in the original specification, as required u/s 10(4) of the Act.</p> <p>5. Application number in form 3 and form 5 is not mentioned.Fresh Form 3 and Form 5 should be submitted.</p>

भाग-IV: रिकॉर्ड में दस्तावेज़ /PART-IV: DOCUMENTS ON RECORD

निम्नलिखित दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी है

The examination report has been prepared based on the following documents:

कार्यसूची तिथि	कार्यसूची संख्या /Docket
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/ Docket Date	फाइलिंग संख्या / Docket Number	प्रविष्टि संख्या विवरण / Entry Number Description
05 Jun 2020	35234	1-New Application For Patent With Provisional /Complete Specification
05 Jun 2020	35234	12-Request For Early Publication - Form 9
10 Jun 2020	35870	CONVERSION OF REQUEST FOR EXAMINATION FILED UNDER RULE 24 B FOR EXPEDITED EXAMINATION FORM 18A
17 Jun 2020	37056	45-Form Of Authorisation Of Patent Agent - Form 26
17 Jun 2020	37056	Proof of Right

नियंत्रक का नाम /Name of the Controller: [Vikas Gupta](#)

नियंत्रक स्थान /Controller Location: [Delhi](#)

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report:
06/02/2021